IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 25536 of 2006(M)

PETITIONER:

M.SINDHU, JUNIOR CLERK, VALAPATTANAM,
SERVICE CO-OPERATIVE BANK LTD NO.LL.242,
KANNUR-10, RESIDING AT MUTHIRACKAL HOUSE,
P.O.CHIRAKKAL, KANNUR.

BY ADV. RRI.T.R.RAMACHANDRAN NAIR
SRI.V.G.ARUN

RESPONDENTS:

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1. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL) KANNUR.

2. THE VALAPATTANAM SERVICE CO-OPERAIVE
BANK LTD NO.LL.242, KANNUR-10
REPRESENTED BY ITS PRESIDENT.

BY ADV. SRI.RAJEEV V.KURUP
GOVERNMENT PLEADER SMT.LATHA THANKAPPAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE APPOINTMENT ORDER DATED 29-5-2004

EXT.P2: COPY OF THE ORDER No. CRP-11859/04(K.DIS) DT.23.2.2005.

EXT.P3: COPY OF THE PROCEEDINGS OF THE PRESIDENT DATED 13.7.2005.

EXT.P4: COPY OF THE ORDER OF THE JOINT REGISTRAR No. CRP/4730/06 DATED 10-8-2006.

EXT.P5: COPY OF THE REPLY GIVEN BY THE ABNK DATED 22.8.2006.

EXT.P6: COPY OF THE ORDER No. 4730/06/CRP(1) DATED 15.9.2006.

EXT.P7: COPY PF THE NOTICE ISSUED BY THE BANK DATED 25.9.2006.

EXT.P8: COPY OF THE EMPLOYEES FEEDER CATEGORY RULES.

TRUE COPY

P.A.TO JUDGE

S.SIRI JAGAN,J

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W.P.(C).No.25536 OF 2006

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Dated this the 16th day of March,2007

JUDGMENT

The petitioner while working as a staff in the second respondent bank was promoted as Junior Clerk. However, by Ext.P4 communication the Joint Registrar has directed the society to intimate the Joint Registrar as to whether the promotion is in accordance with Rule 185(2) of the Kerala Co-operative Societies Rules and Circular No.37/84 issued by the Registrar. The Bank filed a reply to the same as Ext.P5. However, the first respondent Joint Registrar directed the society to revert the petitioner from the post of junior clerk to the post of peon on the ground that he did not possess the qualifications prescribed under Rule 185 of the Kerala Co-operative Societies Rules. Pursuant to the same Ext.P7 notice has been issued to her by the society directing her to show cause why she should not be reverted and why excess salary paid to her shall not be recovered. Originally, the petitioner challenged the validity of Rule 185(2) itself. But now the petitioner seeks permission to avail of other remedies available to her under law. Accordingly, this writ petition is closed with liberty to the petitioner to resort to other appropriate remedies available to her under law. In order to enable the petitioner to do so, I further direct that the stay granted by this court shall continue in force for a period of three weeks.

S.SIRI JAGAN,JUDGE

dvs